

REMARKS

Independent claim 1 has been amended and new claims 23-25 have been added. Support for the new and amended claims may be found at least in lines 9-15 on page 6 of the Patent Application. Applicants also note that the term "supportive requirement" is defined at least in lines 12-20 51 page 3 of the Patent Application. Thus, claims 1-25 are pending in the present application.

In the Office Action, claims 1-5 and 14 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Xu, et al (U.S. Patent Publication No. 2003/0172165). Claims 6-13 and 15-22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Xu in view of Trossen, et al (U.S. Patent Publication No. 2003/0157899). The Examiner's rejections are respectfully traversed.

Claim 1 sets forth receiving a multicast control message, determining at least one supportive requirement based on the multicast control message, and selecting a multicast service in response to the received multicast control message based on the determined supportive requirement. Xu describes a billing system that may be used for calculating costs associated with receiving multicast data during a multicast session. However, Xu is not at all concerned with whether or not the mobile units that receive the multicast data possess sufficient supportive requirements to make use of the multicast data. Accordingly, Xu is completely silent with regard to determining at least one supportive requirement based on information included in the multicast control message. Trossen describes multicast services that are provided at different data rates. However, Trossen is also completely silent with regard to determining at least one supportive requirement based on information included in the multicast control message, as set forth in independent claim 1.

For at least the aforementioned reasons, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case that independent claim 1, and all claims depending therefrom, are unpatentable over Xu and Trossen, either alone or in combination. Applicant requests that the Examiner's rejections of claims 1-5 under 35 U.S.C. § 102(b) and claims 6-13 under 35 U.S.C. § 103(a) be withdrawn.

Claim 14 sets forth receiving subscription information and transmitting a multicast control message in response to the received subscription information. Subscription information is defined in the specification as data associated with a subscriber. The subscription information may include a multicast service plan such as a subscription type, payment authentication data, and/or billing information. See Patent Application, page 6, line 30 – page 7, line 4. The Examiner alleges that Xu describes receiving subscription information. Applicant respectfully disagrees. Xu describes providing information including a starting time and the costs associated with the multicast session. Xu also describes a multicast serving node 130 that may store charging data related to a subscription request. However, Xu is completely silent with regard to receiving subscription information, i.e. data associated with a subscriber. Accordingly, Applicant respectfully submits that Xu fails to teach or suggest receiving subscription information and transmitting a multicast control message in response to the received subscription information, as set forth in independent claim 14.

As discussed above, Trossen describes multicast services that are provided at different data rates. However, the secondary reference does not remedy the fundamental deficiency of Xu. In particular, the secondary reference is completely silent with regard to receiving subscription information and transmitting a multicast control message in response to the received subscription information, as set forth in independent claim 14.

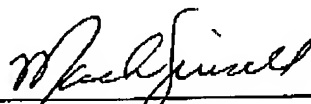
For at least the aforementioned reasons, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case that independent claim 14, and all claims depending therefrom, are unpatentable over Xu and Trossen, either alone or in combination. Applicant requests that the Examiner's rejections of claims 14-22 under 35 U.S.C. § 103(a) be withdrawn.

New claims 23-24 set forth, among other things, receiving said at least one feedback signal in response to determining at least one supportive requirement based on a multicast control message (claim 23) and receiving at least one feedback signal in response to selecting a multicast service based on determining at least one supportive requirement (claim 24). Claim 25 depends from independent claim 14 and sets forth receiving subscription information from a mobile unit. Thus, for at least the aforementioned reasons, Applicant respectfully submits that claims 23-25 are in condition for allowance.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: 3/8/06



Mark W. Sincell, Ph.D.
Reg. No. 52,226
Williams Morgan & Amerson, P.C.
10333 Richmond Avenue, Suite 1100
Houston, TX 77042
(713) 934-7000
(713) 934-7011 (Fax)

AGENT FOR APPLICANTS